

PATENT

REMARKS

Claims 12-24 are pending.

In the above amendments, claims 1-11 have been canceled, claim 13 has been amended, and new claims 22-24 are presented.

Claim Rejections – 35 USC 103

In the Office Action, the Examiner rejected claims 12-21 under 35 USC 103(a) as being unpatentable over US Patent 5828659 to Teder et al. (Teder) in view of US Patent 5893036 to Trandai et al. (Trandai). The rejections are traversed for the following reasons.

With respect to independent claims 12-13, 17, and 22 it is respectfully submitted that neither Teder nor Trandai, individually or collectively, teaches nor suggests certain claimed features.

In particular, it is respectfully submitted that neither Teder nor Trandai, individually or collectively, teaches nor suggests the claimed feature **“communicating said downlink data frame time offset information to said mobile station”** as claimed in each of claims 12-13 and 17. In addition, with respect to independent claim 13, formerly a dependent claim, it is respectfully submitted that neither Teder nor Trandai, individually or collectively, teaches nor suggests the additional claimed feature of **“wherein said communicating said downlink data frame time offset information is by way of communicating an Active Set Update message”** (emphasis added).

With respect to newly added independent claim 22, it is respectfully submitted that neither Teder nor Trandai, individually or collectively, teaches nor suggests a mobile station having the claimed feature **“receive a downlink data frame time offset information based on the communicated measured downlink time offset, wherein the downlink data frame time offset information includes at least two downlink data frame time offsets associated with downlink signals from the at least two base stations.”**

In the Office Action, the Examiner acknowledges that Teder does not disclose expressly the claimed feature **“communicating said downlink data frame time offset information to said**

PATENT

mobile station” as set forth in independent claims 12 and 17, see the paragraph bridging pages 3 and 4 of the Office Action. In order to cure this deficiency of Teder, the Examiner relies upon Trandai and alleges that this claimed feature is taught by Trandai’s text “an SACCH downlink includes power control and timing advance commands” (col. 4, lines 1-3 of Trandai).

It is respectfully submitted that the above identified text of Trandai cannot be reasonably interpreted to teach the claimed feature “communicating said downlink **data frame time offset information** to said mobile station” (emphasis added) as set forth in each of independent claims 12-13 and 17 since the SACCH channel is primarily concerned with power step commands (see e.g., col. 1, lines 32-36) and not with data frames, and a description of the “timing advance commands” is not disclosed by Trandai. In other words, it is not readily evident what these “timing advance commands” refer to. Moreover, Trandai does not disclose how these “timing advance commands” have been derived. In contrast, the claimed “downlink data frame time offset information” communicated to a mobile station is “based on said measured time offset” as required by each of independent claims 12-13 and 17 and similarly required in newly added independent claim 22.

Therefore, since Trandai cannot be reasonably relied upon to teach the claimed feature “communicating said downlink data frame time offset information to said mobile station,” it is respectfully submitted that a prima facie case of obviousness has not been established in accordance with MPEP 2143 which states “Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” Accordingly, it is respectfully requested that the rejections be withdrawn.

PATENT

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: September 28, 2005

By: W. Chris Kim
W. Chris Kim, Reg. No. 40,457
(858) 651-6295

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-6295
Facsimile: (858) 658-2502